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UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Grain Branch
Washington 25, D. C.

JAN 19 1953

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(July 1, 1951, to June 30, 1952 (246-307))

246. False labeling of alfalfa seed and sorghum seed, U. S. v. Berry Seed Company, Inc., Clarinda, Iowa. Plea of nolo contendere. Fine, \$400 and \$42.92 costs. (FS 545)

Berry Seed Company, Inc., Clarinda, Iowa, between February 21, 1948, and September 7, 1948, delivered for transportation in interstate commerce from Clarinda, Iowa, to New Prague, Minnesota; Rugby and Jessie, North Dakota; and Fortville, Indiana, a total of four bags of alfalfa seed and five bags of sorghum seed.

Information was filed in the District Court of the United States for the Southern District of Iowa alleging that the Berry Seed Company, Inc., Clarinda, Iowa, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Two bags of alfalfa seed shipped to New Prague, Minnesota, on or about February 21, 1948, were not labeled to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, dodder, at the rate of 36 per pound.

One bag of alfalfa seed shipped to Rugby, North Dakota, on or about March 29, 1948, was labeled to be 99.24 percent pure seed, 0.50 percent other crop seed, 0.20 percent inert matter, and 0.06 percent weed seeds; whereas, the contents were found to be 93.40 percent pure seed, 1.96 percent other crop seed, 1.84 percent inert matter, and 2.80 percent weed seeds. The label also represented the seed to have a germination of 70 percent and 20 percent hard seed, or a total germination and hard seed percentage of 90; whereas, the seed was found in April 1948 to have a germination of 62 percent with 10 percent hard seed remaining, or a total germination and hard seed percentage of 72.

Five bags of sorghum seed shipped to Jessie, North Dakota, on or about April 8, 1948, were labeled with a germination of 90 percent; whereas, the seed was found in May 1948 to have a germination of 30 percent.

One bag of alfalfa seed shipped to Fortville, Indiana, on or about September 7, 1948, was accompanied by labeling which represented the seed to be of Nebraska origin; whereas, the seed was of Oklahoma origin.

On October 29, 1951, Berry Seed Company, Inc., Clarinda, Iowa, entered a plea of nolo contendere and the Court imposed a fine of \$400 and \$42.92 costs.

247. Incomplete labeling of lawngrass seed. Excessive noxious-weed seeds. U. S. v. Pedigreed Seed Company, New York, New York. Plea of guilty. Sentence suspended and defendant placed on probation for one day. (FS 566)

The Pedigreed Seed Company, New York, New York, on February 15, 1949, delivered for transportation in interstate commerce from New York, New York, to Montgomery, Alabama, 50 bags of lawngrass seed.

Information was filed in the District Court of United States for the Southern District of New York alleging that the Pedigreed Seed Company, New York, New York, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

The labeling on the bags of lawngrass seed did not indicate the presence of noxious-weed seeds; whereas, 16 bags of the seed were found to contain the noxious-weed seeds, sheep sorrel, buckhorn plantain, and bracted plantain, at the rate of 699, 145, and 90 per pound, respectively, or a total of 934 per pound. Agricultural seed containing in excess of 500 noxious-weed seeds per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act. In addition, a complete record of the purity of this lot of seed, including a file sample, was not kept by the Pedigreed Seed Company and on or about September 27, 1949, was not made available upon request for the inspection thereof by the duly authorized agent of the Secretary.

On April 16, 1951, the Pedigreed Seed Company, New York, New York, entered a plea of guilty and the court sentenced the defendant, suspended the sentence and placed the defendant on probation for one day.

248. Incomplete labeling of vegetable seed. U. S. v. Lake Shore Seed Company, Inc., Dunkirk, New York. Plea of nolo contendere. Fine, \$2,000. (FS 578)

Lake Shore Seed Company, Inc., Dunkirk, New York, had transported from Philadelphia, Pennsylvania, to Milford and Rehoboth Beach, Delaware, on or about February 9, 1950, two display boxes containing an assortment of vegetable seed in packets.

Information was filed in the District Court of the United States for the Eastern District of Pennsylvania, alleging that the Lake Shore Seed Company unlawfully transported in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Samples representing 13 kinds and varieties of seed in one shipment and 18 kinds and varieties in the other shipment were found to germinate below the standards provided under the Federal Seed Act and the rules and regulations thereunder. The packets did not show the percentage of germination, the month and year the germination test was completed, and the words "Below Standard" as required under the Federal Seed Act.

The display boxes included lettuce seed with germination as low as 1, 4, 6, and 7 percent; pepper seed with germination as low as 3 and 10 percent; spinach seed with germination of 9 percent; onion seed with germination of 1 percent, and parsnip seed with no germination.

On September 10, 1951, Lake Shore Seed Company, Inc., Dunkirk, New York, entered a plea of nolo contendere and the Court assessed a fine of \$1,000 on each of two counts or a total fine of \$2,000.

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249. Failure to make samples available. U. S. v. Geo. P. Sexauer & Son, Inc., Brookings, South Dakota. Plea of guilty. Fine, \$75. Seven counts dismissed. (FS 580)

Geo. P. Sexauer & Son, Inc., Brookings, South Dakota, between December 29, 1949, and March 31, 1950, transported and delivered for transportation from Brookings, South Dakota, to six different locations in Minnesota, a total of 133 bags of sweetclover seed, one bag of a "pasture mixture," and one bag of redtop seed.

Information was filed in the District Court of the United States for the District of South Dakota alleging that Geo. P. Sexauer & Son, Inc., Brookings, South Dakota, did unlawfully transport and deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act and failed to make available for inspection by a duly authorized representative of the Secretary of Agriculture samples of three of said lots of seed, in violation of the Federal Seed Act and the regulations promulgated thereunder.

On March 24, 1952, Geo. P. Sexauer & Son, Inc., Brookings, South Dakota, entered a plea of guilty to three counts involving the failure to make available for inspection samples of three lots of seed and the Court dismissed seven counts involving the transportation and delivery for transportation of seven shipments of seed in interstate commerce. The Court assessed a fine of \$25 on each of the three counts in which a plea was entered, or a total fine of \$75.

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250. False labeling of alfalfa seed. U. S. v. 180 bags of alfalfa seed. Seed seized and relabeled to comply with the Federal Seed Act. (FS 583)

M. G. Stoller, Paulding, Ohio, on September 28, 1950, delivered for transportation in interstate commerce from Paulding, Ohio, to Buffalo, New York, 180 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Western District of New York praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Michigan origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On December 18, 1951, the seed was relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Michigan origin.

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251. False labeling of alfalfa seed. U. S. v. 67,200 pounds of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 587)

M. G. Stoller, Paulding, Ohio, between January 27, 1951, and February 7, 1951, transported in interstate commerce from Paulding, Ohio, to Fort Wayne, Indiana, 67,200 pounds of alfalfa seed.

A libel was filed in the District Court of the United States for the Northern District of Indiana praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On December 29, 1951, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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252. False labeling of alfalfa seed. U. S. v. 80 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 592)

M. G. Stoller, Paulding, Ohio, on January 4, 1951, transported in interstate commerce from Paulding, Ohio, to Milwaukee, Wisconsin, 100 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Eastern District of Wisconsin praying seizure of 80 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On February 26, 1952, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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253. False labeling of alfalfa seed. U. S. v. 20 bags of alfalfa seed. Seed seized, stained 10 percent red and relabeled to comply with the Federal Seed Act. (FS 593)

M. G. Stoller, Paulding, Ohio, on November 29, 1950, transported in interstate commerce from Paulding, Ohio, to Milwaukee, Wisconsin, 90 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Eastern District of Wisconsin praying seizure of 20 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On February 26, 1952, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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254. False labeling of alfalfa seed. U. S. v. 120 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 594)

M. G. Stoller, Paulding, Ohio, on January 6, 1951, transported in interstate commerce from Paulding, Ohio, to Milwaukee, Wisconsin, 120 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Eastern District of Wisconsin praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On February 26, 1952, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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255. False labeling of alfalfa seed. United States v. 79 bags, more or less, of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 595 and 628)

Northwest Cooperative Mills, St. Paul, Minnesota, on November 16, 1950, and November 30, 1950, delivered for transportation in interstate commerce from St. Paul, Minnesota, to Cincinnati, Ohio, a total of 532 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Southern District of Ohio praying seizure of 79 bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The United States marshal seized 129 bags of this seed.

On November 6, 1951, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 47 percent California origin and 53 percent Canadian origin.

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256. False labeling of alfalfa seed. U. S. v. 300 bags, more or less, of alfalfa seed. Seed seized, stained 10 percent red, and relabeled. (FS 597)

M. G. Stoller, Paulding, Ohio, on January 24, 1951, delivered for transportation in interstate commerce from Paulding, Ohio, to Buffalo, New York, 300 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Western District of New York praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. This seed was seized by the United States marshal.

On December 18, 1951, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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257. False labeling of alfalfa seed. U. S. v. 223 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled. (FS 602)

M. G. Stoller, Paulding, Ohio, on February 28, 1951, delivered for transportation in interstate commerce from Latty, Ohio, to Buffalo, New York, 223 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Western District of New York praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On December 18, 1951, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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258. False labeling of cowpea seed. U. S. v. 10 bags of cowpea seed. Seed seized and ordered destroyed. (FS 603)

H. M. Franklin & Company, Tennille, Georgia, on February 5, 1951, had delivered for transportation in interstate commerce from Marshallville, Georgia, to Foley, Alabama, 15 bags of cowpea seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of 10 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed when tested in March 1951 was found to have a germination of 39 percent. The seed was seized by the United States marshal.

On July 5, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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259. False labeling of alfalfa seed. U. S. v. Doyle E. Turner, doing business as Turner Grain Company, Erick, Oklahoma. Plea of nolo contendere. Fine, \$650. (FS 607)

Turner Grain Company, Erick, Oklahoma, between August 16, 1949, and January 16, 1950, transported and delivered for transportation in interstate commerce from Erick, Oklahoma; to Kansas City, Missouri, and Enid, Tipton, and Yukon, Oklahoma, a total of 4,850 bags (726,979 pounds) of alfalfa seed.

Information was filed in the District Court of the United States for the Western District of Oklahoma alleging that Doyle E. Turner, doing business as Turner Grain Company, Erick, Oklahoma, did unlawfully transport and deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labeling accompanying the shipments of seed represented the seed to be of Oklahoma origin; whereas, the seed was of Texas origin. In addition, one count alleged that the Turner Grain Company, Erick, Oklahoma, unlawfully failed to keep for a period of 3 years a complete record of the origin of this seed and on or about November 15 and 16, 1949, failed to make accessible for inspection by a duly authorized agent of the Secretary of Agriculture a complete record of the origin of these lots of seed.

On December 19, 1951, Doyle E. Turner, doing business as the Turner Grain Company, Erick, Oklahoma, entered a plea of nolo contendere and the court imposed the fine of \$100 on one count and \$25 on each of 22 additional counts, making a total fine of \$650.

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260. False labeling of alfalfa seed. U. S. v. 80 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 609)

M. G. Stoller, Paulding, Ohio, on March 16, 1951, transported in interstate commerce from Paulding, Ohio, to Milwaukee, Wisconsin, 80 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Eastern District of Wisconsin praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be Southwestern United States origin. The seed was seized by the United States marshal.

On February 26, 1952, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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261. False labeling of cowpea seed. U. S. v. 4 bags of cowpea seed. Seed seized and ordered destroyed. (FS 611)

Valda Wooten, McRae, Georgia, on February 26, 1951, delivered for transportation in interstate commerce from McRae, Georgia, to Foley, Alabama five bags of cowpea seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of four bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed when tested in March 1951 was found to have a germination of 48 percent. The seed was seized by the United States marshal.

On July 5, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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262. False labeling of velvetbean seed. U. S. v. 20 bags of velvetbean seed. Seed seized and ordered destroyed. (FS 612)

W. H. Robinson, Inc., Cairo, Georgia, on February 12, 1951, transported in interstate commerce from Cairo, Georgia, to Loxley, Alabama, 20 bags of velvetbean seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of said seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent or better and to have no hard seed; whereas, the seed when tested in March 1951 was found to have a germination of 57 percent with 2 percent hard seed remaining. The seed was seized by the United States marshal.

On November 1, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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263. False labeling of lespedeza seed. U. S. v. 3 bags of lespedeza seed. Seed seized and ordered destroyed. (FS 613)

Dothan Seed & Supply Company, Inc., Dothan, Alabama, on February 16, 1951, transported in interstate commerce from Dothan, Alabama, to Bonifay, Florida, three bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Northern District of Florida praying seizure of said seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seeds, dodder and horsenettle, at the rate of 45 and 18 per pound, respectively; whereas, the seed was found to contain the noxious-weed seeds, dodder and horsenettle, at the rate of 216 and 9 per pound, respectively. The seed was seized by the United States marshal.

On July 26, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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264. False labeling of alfalfa seed. U. S. v. 9 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 615)

Allied Seed, Fort Wayne, Indiana, on January 27, 1951, delivered for transportation in interstate commerce from Fort Wayne, Indiana, to Fostoria, Ohio, 10 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Northern District of Ohio praying seizure of nine bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On January 29, 1952, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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265. False labeling of alfalfa seed. U. S. v. 18 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 616)

Livingston Seed Company, Columbus, Ohio, on or about January 10, 1951, sold for shipment to Mt. Gilead, Ohio, 20 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Southern District of Ohio praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

The seed was a mixture of seed stained under the provisions of the Federal Seed Act and the rules and regulations thereunder with seed of the same kind produced in the United States contrary to section 306 (a) (5) of the act. The seed consisted partly of alfalfa seed which had been imported from Canada and stained violet and partly of alfalfa seed produced in the United States as indicated by the presence of certain weed seeds indicative of Southwestern United States origin. The seed was seized by the United States marshal.

On October 22, 1951, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be of Canadian and Southwestern United States origin — percentages unknown.

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266. False labeling of alfalfa seed. United States v. 20 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 617)

Henry Hirsch & Sons, Inc., Toledo, Ohio, on January 19, 1951, sold for shipment to Norwalk, Ohio, 25 bags of alfalfa seed.

A libel filed in the District Court of the United States for the Northern District of Ohio praying seizure of 20 bags of this seed and alleging same to be in violation of the Federal Seed Act.

The seed was a mixture of seed stained under the provisions of the Federal Seed Act and the rules and regulations thereunder with seed of the same kind produced in the United States contrary to section 306 (a) (5) of the act. The seed consisted partly of alfalfa seed which had been imported from Canada and stained violet and partly of alfalfa seed produced in the United States as indicated by the presence of certain weed seeds indicative of Southwestern United States origin. The seed was seized by the United States marshal.

On January 29, 1952, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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267. False labeling of cottonseed. U. S. v. 8 bags of cottonseed, Seed seized and ordered destroyed. (FS 618)

Broome's Seed Company, Danielsville, Georgia, on February 1, 1951, delivered for transportation in interstate commerce from Danielsville, Georgia, to Troy, Alabama, 40 bags of cottonseed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to be "Broome's Ninety-Day Prolifics Wilt Resistant" variety of cottonseed. There is no variety of cottonseed known or recognized by this name; therefore, the labeling as to variety was construed to be false and misleading. The seed was seized by the United States marshal.

On June 26, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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268. False labeling of alfalfa seed. United States v. 38 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 620)

Livingston Seed Company, Columbus, Ohio, on January 16, 1951, sold for shipment to Lisbon, Ohio, 40 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Southern District of Ohio praying seizure of 38 bags of this seed and alleging same to be in violation of the Federal Seed Act.

The seed was a mixture of seed stained under the provisions of the Federal Seed Act and the rules and regulations thereunder with seed of the same kind produced in the United States contrary to section 306 (a) (5) of the act. The seed consisted partly of alfalfa seed which had been imported from Canada and stained violet and partly of alfalfa seed produced in the United States as indicated by the presence of certain weed seeds indicative of Southwestern United States origin. The seed was seized by the United States marshal.

On October 22, 1951, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be of Canadian and Southwestern United States origin -- percentages unknown.

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269. False labeling of alfalfa seed. United States v. 8 bags of alfalfa seed. Seed seized and released to a State institution. (FS 623)

Scott Farm Seed Company, Mechanicsburg, Ohio, sold for shipment to Edison, Ohio, on March 14, 1951, 10 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Southern District of Ohio praying seizure of eight bags of this seed and alleging same to be in violation of the Federal Seed Act.

The seed was a mixture of seed stained under the provisions of the Federal Seed Act and the rules and regulations thereunder with seed of the same kind produced in the United States contrary to section 306 (a) (5) of the act. The seed consisted partly of alfalfa seed which had been imported from Canada and stained violet and partly of alfalfa seed produced in the United States as indicated by the presence of certain weed seeds indicative of Southwestern United States origin. The seed was seized by the United States marshal.

On September 21, 1951, no claimant having appeared, the Court ordered the seed released to a State institution to be used on the premises.

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270. False labeling of alfalfa seed. United States v. 7 bags of alfalfa seed. Seed seized and ordered destroyed. (FS 624)

J. Chas. McCullough Seed Company, Cincinnati, Ohio, on January 18, 1951, sold for shipment to Bucyrus, Ohio, 10 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Northern District of Ohio praying seizure of seven bags of this seed and alleging same to be in violation of the Federal Seed Act.

The seed was a mixture of seed stained under the provisions of the Federal Seed Act and the rules and regulations thereunder with seed of the same kind produced in the United States contrary to section 306 (a) (5) of the act. The seed consisted partly of alfalfa seed which had been imported from Canada and stained violet and partly of alfalfa seed produced in the United States as indicated by the presence of certain weed seeds indicative of Southwestern United States origin. The seed was seized by the United States marshal.

On October 4, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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271. Incomplete labeling of ryegrass seed. Excessive noxious-weed seeds. U. S. v. 3 bags and 1 bag of ryegrass seed. Seed seized and ordered destroyed. (FS 626 and 627)

Livingston Seed Company, Columbus, Ohio, on July 18, 1950, delivered for transportation in interstate commerce from Columbus, Ohio, to Martinsburg, Pennsylvania, 10 bags of ryegrass seed.

Libels were filed in the District Courts of the United States for the Western and Middle Districts of Pennsylvania praying seizure of three bags of this seed at Martinsburg, Pennsylvania, and one bag of this seed at Saxton, Pennsylvania, and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, quackgrass and Canadian thistle, at the rate of 1,434 per pound and 45 per pound, respectively. Agricultural seed containing these noxious-weed seeds is prohibited from sale in the State of Pennsylvania and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On October 9, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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272. False labeling of alfalfa seed. United States v. 45 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 629)

Select Seeds, Incorporated, Fort Wayne, Indiana, delivered for transportation in interstate commerce from Fort Wayne, Indiana, to Medina, Ohio, 75 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Northern District of Ohio praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be Southwestern United States origin. The seed was seized by the United States marshal.

On January 29, 1952, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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273. False labeling of alfalfa seed. United States v. 10 bags of alfalfa seed. Seed seized, stained 10 percent red, and relabeled to comply with the Federal Seed Act. (FS 630)

M. G. Stoller, Paulding, Ohio, on March 14, 1951, sold for shipment to Toledo, Ohio, 10 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Northern District of Ohio praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

The seed was a mixture of seed stained under the provisions of the Federal Seed Act and the rules and regulations thereunder with seed of the same kind produced in the United States contrary to section 306 (a) (5) of the act. The seed consisted partly of alfalfa seed which had been imported from Canada and stained violet and partly of alfalfa seed produced in the United States as indicated by the presence of certain weed seeds indicative of Southwestern United States origin. The seed was seized by the United States marshal.

On January 29, 1952, the seed was stained 10 percent red and relabeled in compliance with the court order to show the seed to be 30 percent Southwestern United States origin and 70 percent Canadian origin.

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274. False labeling of alfalfa seed. United States v. N. Bonahoom Seed Company, Inc., Hastings, Nebraska. Plea of nolo contendere. Fine, \$4,500. (FS 632)

N. Bonahoom Seed Company Inc., Hastings, Nebraska, between August 3, 1949, and October 10, 1949, transported and delivered for transportation in interstate commerce from Hastings, Nebraska, to Topeka, Kansas; Chicago, Illinois; and La Belle, Missouri, a total of 682 bags (63,200 pounds) of alfalfa seed.

Information was filed in the District Court of the United States for the District of Nebraska alleging that N. Bonahoom Seed Company, Inc., did unlawfully transport and deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labeling accompanying the shipments of seed represented the seed to be of Nebraska origin; whereas, the seed was of Arizona and California origin.

On January 24, 1952, the N. Bonahoom Seed Company, Inc., and its president, Phillip Bonahoom, Hastings, Nebraska, entered pleas of nolo contendere and the Court assessed a fine of \$1,000 on each of four counts against the corporation and a fine of \$500 on each of four counts against Phillip Bonahoom, president of the corporation.

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275. Failure to label Dallis grass seed. United States v. 240 bags of Dallis grass seed. Seed seized and destroyed. (FS 633 and 636)

International Seed, Inc., New York, New York, on May 23 and 25, 1951, had delivered for transportation in interstate commerce from Darlington, Alabama, to New Orleans, Louisiana, a total of 240 bags of Dallis grass seed.

Libels were filed in the District Court of the United States for the Eastern District of Louisiana praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

No labels were attached to the bags at the time of shipment in interstate commerce as required under section 201 of the Federal Seed Act. This seed was found to have a germination of 1 percent in June 1951. The seed was seized by the United States marshal.

On July 18, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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276. False labeling of certified sorghum seed. U. S. v. Capitol Fuel, Feed, and Seed Company, Inc., Phoenix, Arizona. Plea of nolo contendere. Fine, \$100. (FS 634)

Capitol Fuel, Feed, and Seed Company, Inc., Phoenix, Arizona, on January 14, 1950, delivered for transportation in interstate commerce from Phoenix, Arizona, to Oklahoma City, Oklahoma, 400 bags of certified sorghum seed.

Information was filed in the District Court of the United States for the District of Arizona alleging that Capitol Fuel, Feed, and Seed Company, Inc., Phoenix, Arizona, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed when tested in February 1950 was found to have a germination of 45 percent.

On November 5, 1951, Capitol Fuel, Feed, and Seed Company, Inc., entered a plea of nolo contendere and the Court imposed a fine of \$100.

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277. False labeling of oat seed. Excessive weed seeds. U. S. v. 429 bags of oat seed. Seed seized, recleaned, and relabeled to comply with the Federal Seed Act. (FS 635 and 639)

The Douglas Company, Chesterfield, South Carolina, on October 4, 1950, delivered for transportation in interstate commerce from Cheraw, South Carolina, to Leland, Mississippi, a total of 500 bags of oat seed consisting of four different lots.

A libel was filed in the District Court of the United States in the Northern District of Mississippi praying seizure of 429 bags of this seed and alleging same to be in violation of the Federal Seed Act.

One lot was represented to be 99.38 percent Victorgrain oat seed and 0.20 percent other crop seed; whereas, it was found to be 94.59 percent pure seed and 4.96 percent other crop seed. In addition, this lot was labeled to contain no noxious-weed seeds; whereas, it was found to contain the noxious-weed seed, wild onion, at the rate of 6 per pound. Agricultural seed containing wild onion seeds or bublets is prohibited from sale in the State of Mississippi and therefore is prohibited from shipment into that State under the Federal Seed Act.

One lot was represented to be 99.68 percent Fulgrain oat seed and 0.04 percent other crop seed; whereas, the seed was found to be only 35.25 percent Fulgrain oat seed.

One lot was represented to be 99.38 percent Fulgrain oat seed; whereas, the seed was found to be only 25.40 percent Fulgrain oat seed.

One lot of seed was represented to be 99.38 percent Fulgrain oat seed; whereas, the seed was found to be only 1.87 percent Fulgrain oat seed.

The United States marshal seized 429 bags of the seed.

On October 26, 1951, the seed was recleaned and relabeled to comply with the Federal Seed Act.

278. Incomplete labeling of oat seed. U. S. v. A. M. Bickley, Marshallville, Georgia. Excessive noxious-weed seeds. Plea of nolo contendere. Fine, \$50. (FS 638)

A. M. Bickley, Marshallville, Georgia, on October 21, 1949, delivered for transportation in interstate commerce from Marshallville, Georgia, to Slocumb, Alabama, 163 bags of oat seed.

Information was filed in the District Court of the United States for the Middle District of Georgia alleging that A. M. Bickley, Marshallville, Georgia, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of the noxious-weed seed, Johnson grass; whereas, the seed was found to contain Johnson grass seeds at the rate of 166 per pound. Agricultural seed containing in excess of 100 Johnson grass seeds per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act.

On January 21, 1952, A. M. Bickley, Marshallville, Georgia, entered a plea of nolo contendere and the Court imposed a fine of \$50.

279. False labeling of alfalfa seed. United States v. 140 bags, more or less, of alfalfa seed. Seed seized and relabeled to comply with the Federal Seed Act. (FS 640)

Occident Seeds, Bismarck, North Dakota, on December 15, 1950, delivered for transportation in interstate commerce from Bismarck, North Dakota, to Mankato, Minnesota, 334 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the District of Minnesota, praying seizure of 140 bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Montana origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The United States marshal seized 181 bags of this seed.

On January 29, 1952, 109 bags of the seed were relabeled in compliance with the court order to show the seed to be 84 percent Montana origin and 16 percent Southwestern United States origin and 72 bags were labeled to show the seed to be 93 percent Montana origin and 7 percent Southwestern United States origin.

280. Incomplete labeling of ryegrass seed. Excessive noxious-weed seeds. U. S. v. 2 bags of ryegrass seed. Seed seized and ordered destroyed. (FS 641)

Livingston Seed Company, Columbus, Ohio, on September 6, 1950, delivered for transportation in interstate commerce from Columbus, Ohio, to Fairplain, West Virginia, 3 bags of ryegrass seed.

A libel was filed in the District Court of the United States for the Southern District of West Virginia praying seizure of two bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, quackgrass and Canada thistle, at the rate of 162 and 8, respectively, in 50 grams examined (91 and 4 per ounce). Agricultural seed containing these weed seeds is prohibited from sale in the State of West Virginia and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On August 13, 1951, no claimant having appeared, the Court ordered the seed destroyed.

281. Incomplete labeling of ryegrass seed. Excessive noxious-weed seeds. U. S. v. 4 bags of ryegrass seed. Seed seized and ordered destroyed. (FS 642)

Livingston Seed Company, Columbus, Ohio, on October 5, 1950, delivered for transportation in interstate commerce from Columbus, Ohio, to Sharon, Pennsylvania, five bags of ryegrass seed.

A libel was filed in the District Court of the United States for the Western District of Pennsylvania praying seizure of four bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, quackgrass and Canada thistle, at the rate of 130 and 11, respectively, in 50 grams examined (73 and 6 per ounce). Agricultural seed containing these noxious-weed seeds is prohibited from sale in the State of Pennsylvania and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On October 9, 1951, no claimant having appeared, the Court ordered the seed destroyed.

282. False labeling of alfalfa seed. United States v. 10 bags of alfalfa seed. Seed seized and relabeled to comply with the Federal Seed Act. (FS 643)

Occident Seeds, Bismarck, North Dakota, on December 21, 1950, delivered for transportation in interstate commerce from Bismarck, North Dakota, to St. Paul, Minnesota, 100 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the District of Minnesota praying seizure of 10 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Montana origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On January 28, 1952, the seed was relabeled in compliance with the court order to show the seed to be 55 percent Southwestern United States origin and 45 percent Montana origin.

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283. Excessive noxious-weed seeds in rye seed. U . S. v. 5 bags of rye seed. Seed seized and ordered destroyed. (FS 644)

Houston Seed Company, Birmingham, Alabama, on August 29, 1950; transported in interstate commerce from Birmingham, Alabama, to Ashland, Mississippi, five bags of rye seed.

A libel was filed in the District Court of the United States for the Northern District of Mississippi praying seizure of this seed and alleging the same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, wild onion, at the rate of six per pound and the seed was found to contain wild onion seeds or bulblets at the rate of five per pound. Agricultural seed containing wild onion seeds or bulblets is prohibited from sale in the State of Mississippi and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On June 2, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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284. False labeling of alfalfa seed. U. S. v. 9 bags of alfalfa seed. Seed seized and ordered destroyed. (FS 646)

Northwest Cooperative Mills, Inc., St. Paul, Minnesota, on November 14, 1950, delivered for transportation in interstate commerce from St. Paul, Minnesota, to Buffalo, New York, 400 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the Western District of New York praying seizure of nine remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On September 17, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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285. False labeling of Alyce clover seed. U. S. v. 3 bags of Alyce clover seed. Seed seized and ordered destroyed. (FS 647)

Riemers Company, Foley, Alabama, on April 27, 1951, delivered for transportation in interstate commerce from Foley, Alabama to Lucedale, Mississippi, 20 bags of Alyce clover seed.

A libel was filed in the District Court of the United States for the Southern District of Mississippi praying seizure of three remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 66.50 percent and 22.75 percent hard seed or a total germination and hard seed percentage of 89.25; whereas, the seed when tested in May 1951 was found to have a germination of 15 percent with 20.50 percent hard seed remaining or a total germination and hard seed percentage of 35.50.

On December 8, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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286. False labeling of oat seed. U. S. v. 19 bags of oat seed. Seed seized and released to a State institution to be used for feed. (FS 648)

Sawan, Inc., Columbus, Mississippi, on August 11, 1951, transported in interstate commerce from Columbus, Mississippi, to Loxley, Alabama, 23 bags of oat seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of 19 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in September 1951 was found to have a germination of 48 percent. The seed was seized by the United States marshal.

On June 26, 1952, no claimant having appeared, the Court released the seed to a State institution to be used as stock feed.

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287. False and incomplete labeling of lespedeza seed. U. S. v. 15 bags of lespedeza seed. Seed seized and ordered destroyed. (FS 649)

Green Brothers Seed Company, Nashville, Tennessee, on January 17, 1951, delivered for transportation in interstate commerce from Nashville, Tennessee, to Middlesboro, Kentucky, 60 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Eastern District of Kentucky praying seizure of 15 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to show the detailed information required under the Federal Seed Act and bore instead the statement, "Seed For Processing"; whereas, the seed was not consigned to a seed cleaning or processing establishment to be cleaned or processed for seeding purposes. The contents were found to be 4.87 percent weed seed and to contain the noxious-weed seed, dodder, at the rate of 1,036 per ounce. The seed was seized by the United States marshal.

On January 9, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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288. False labeling of orchard grass seed. Excessive noxious-weed seeds. U. S. v. 9 bags of orchard grass seed. Seed reprocessed and relabeled to comply with the Federal Seed Act. (FS 650)

Bert Finzer Seed Company, Louisville, Kentucky, on August 10, 1951, delivered for transportation in interstate commerce from Louisville, Kentucky, to Montgomery, Alabama, 41 bags of orchard grass seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of nine remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, sorrel, at the rate of 16 per ounce, or 256 per pound; whereas, 17 bags of this seed were found to contain sheep sorrel seeds at the rate of 540 per pound and two bags of this seed were found to contain sheep sorrel seeds at the rate of 1,102 per pound. In addition, agricultural seed containing in excess of 500 sheep sorrel per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On January 23, 1952, this seed was reprocessed and relabeled in compliance with the court order.

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289. Incomplete labeling of "Kentucky 31" fescue seed. Excessive noxious-weed seeds. U. S. v. 10 bags of "Kentucky 31" fescue seed. Seed seized and ordered destroyed. (FS 651)

Craver-Dickinson Seed Company, Buffalo, New York, on August 28, 1951, delivered for transportation in interstate commerce from Buffalo, New York to Dothan, Alabama, 27 bags of "Kentucky 31" fescue seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 10 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, darnel, at the rate of 774 per pound. Agricultural seed containing in excess of 500 darnel seeds per pound is prohibited from sale in the State of Alabama and therefore is prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On January 3, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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290. False and incomplete labeling of oat seed. U. S. v. 20 bags of oat seed. Seed seized and given to a State institution for use as animal feed. (FS 652)

Capital City Grocery Company, Tallahassee, Florida, on September 11, 1951, transported in interstate commerce from Tallahassee, Florida, to Florala, Alabama, 20 bags of oat seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the contents to be 99.41 percent Fulgrain oat seed and 0.04 percent other crop seed; whereas, the contents were found to be 73.12 percent Fulgrain oat seed and 26.64 percent other crop seed, including 26.38 percent other varieties of oat seed. In addition, the labels attached to the bags failed to show a lot number and the name and address of the interstate shipper as required under the Federal Seed Act. The seed was seized by the United States marshal.

On January 2, 1952, no claimant having appeared, the Court released the seed to a State institution to be used for animal feed.

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291. False labeling of oat seed. U. S. v. 70 bags of oat seed. Seed seized and released to claimant to be relabeled and used for stock feed. (FS 653)

A. M. Bickley, Marshallville, Georgia, on September 1, 1951, delivered for transportation in interstate commerce from Marshallville, Georgia, to Foley, Alabama, 250 bags of oat seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of 70 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the contents to be 97.30 percent Victorgrain variety of oat seed and 1.40 percent other crop seed; whereas, the contents were found to be 90.58 percent Victorgrain oat seed and 8.70 percent other crop seed, principally other varieties of oat seed. The seed was seized by the United States marshal.

On January 21, 1952, the seed was released to the claimant to be relabeled and used for stock feed in compliance with the court order.

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292. False labeling of oat seed. U. S. v. 3 bags of oat seed. Seed seized and ordered destroyed. (FS 654)

Sawan, Inc., Columbus, Mississippi, on September 24, 1951, transported in interstate commerce from Columbus, Mississippi, to Lafayette, Alabama, 25 bags of oat seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of three remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in October 1951 was found to have a germination of 51 percent. The seed was seized by the United States marshal.

On January 2, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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293. Incomplete labeling of Sweet Sudan grass seed. Excessive noxious-weed seeds. U. S. v. Northrup, King & Company, Phoenix, Arizona. Plea of nolo contendere. Fine, \$100. Two counts dismissed. (FS 655)

Northrup, King & Company, Phoenix, Arizona, on February 20, 1950, delivered for transportation in interstate commerce from Phoenix, Arizona, to Las Cruces, New Mexico, 20 bags of Sweet Sudan grass seed.

Information was filed in the District Court of the United States for the District of Arizona alleging that Northrup, King & Company, Phoenix, Arizona, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

One count alleged that labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, bindweed, at the rate of 12 per pound. One count alleged that agricultural seed containing any bindweed seed is prohibited from sale in the State of New Mexico and therefore this seed was prohibited from shipment into that State under the Federal Seed Act. Two similar counts on a shipment of 10 bags of the same lot of seed made to Hatch, New Mexico, were dismissed by the Court.

On January 7, 1952, Northrup, King & Company, Phoenix, Arizona, entered a plea of nolo contendere and the Court imposed a fine of \$100.

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294. False labeling of alfalfa seed. U. S. v. J. C. Kogl, Atwood, Kansas. Plea of guilty. Fine, \$250 and \$105.40 costs. (FS 656)

J. C. Kogl, Atwood, Kansas, on March 11, 1950, delivered for transportation in interstate commerce from Atwood, Kansas, to Oberlin, Kansas, 80 bags of alfalfa seed. The seed, thereafter, was shipped from Oberlin, Kansas to Kansas City, Missouri.

Information was filed in the District Court of the United States for the District of Kansas alleging that J. C. Kogl, Atwood, Kansas, did unlawfully deliver for transportation in interstate commerce as interstate commerce is defined for purposes of labeling for variety and origin, the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labeling accompanying the shipment, in the form of a grower's declaration signed by J. C. Kogl, represented the seed to be of Kansas origin; whereas, the seed was of Southwestern United States origin.

On March 21, 1952, J. C. Kogl, Atwood, Kansas, entered a plea of guilty and the Court assessed a fine of \$250 and costs amounting to \$105.40.

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295. False and incomplete labeling of millet seed. U. S. v. 33 bags of millet seed. Seed seized and ordered destroyed. (FS 664)

R. G. Sawyer, Donaldsonville, Georgia; on December 19, 1951, transported in interstate commerce from Donaldsonville, Georgia, to Montgomery, Alabama, 100 bags of millet seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 33 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to have a germination of 90 percent; whereas, the seed when tested in January 1952 was found to have a germination of 56 percent. In addition, the labels failed to show a lot number as required under the Federal Seed Act. The seed was seized by the United States marshal.

On May 21, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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296. False labeling of lespedeza seed. U. S. v. 300 bags of lespedeza seed. Seed seized and relabeled. (FS 665)

Riceland Seed Company, Stuttgart, Arkansas, on December 12, 1951, transported in interstate commerce from Stuttgart, Arkansas, to Decatur, Alabama, 300 bags of lespedeza seed containing four different lots.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to 100 bags of lespedeza seed in one lot represented the seed to have a germination of 17 percent and 68 percent hard seed and a total germination and hard seed percentage of 85; whereas, the seed when tested in January 1952 was found to have a germination of 38 percent and 27 percent hard seed or a total germination and hard seed percentage of 65.

Labels attached to 33 bags of lespedeza seed in one lot represented the seed to have a germination of 27 percent and 58 percent hard seed or a total germination and hard seed percentage of 85; whereas, the seed when tested in January 1952 was found to have a germination of 37 percent and 22 percent hard seed or a total germination and hard seed percentage of 59.

Labels attached to 59 bags of lespedeza seed in one lot represented the seed to have a germination of 21 percent and 64 percent hard seed or a total germination and hard seed percentage of 85; whereas, the seed when tested in January 1952 was found to have a germination of 48 percent and 25 percent hard seed or a total germination and hard seed percentage of 73.

Labels attached to 108 bags of lespedeza seed in one lot represented the seed to have a germination of 19 percent with 66 percent hard seed remaining or a total germination and hard seed percentage of 85; whereas, the seed when tested in January 1952 was found to have a germination of 35 percent with 25 percent hard seed remaining or a total germination and hard seed percentage of 60.

The seed was seized by the United States marshal.

On March 28, 1952, the seed was relabeled to comply with the Federal Seed Act in compliance with the court order.

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297. False and incomplete labeling of lespedeza seed. U. S. v. Robert A. Green, doing business as Green Brothers Seed Company, Nashville, Tennessee. Plea of nolo contendere. Fine, \$1,000. (FS 666)

Green Brothers Seed Company, Nashville, Tennessee, on January 17, 1951, delivered for transportation in interstate commerce from Nashville, Tennessee, to Middlesboro, Kentucky, 60 bags of lespedeza seed.

Information was filed in the District Court of the United States for the Middle District of Tennessee alleging that Robert A. Green, doing business as Green Brothers Seed Company, Nashville, Tennessee, did unlawfully deliver for

transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags bore, in part, the statement "SEED FOR PROCESSING" and failed to show the detailed information required under Section 201 (a) of the Federal Seed Act. The seed was not consigned to a seed cleaning or processing establishment to be cleaned or processed for seeding purposes and therefore should have been labeled with the detailed information. The contents of the bags were found to be 4.87 percent weed seed and to include the noxious-weed seed, dodder, at the rate of 1,036 per ounce.

On April 9, 1952, Robert A. Green, doing business as Green Brothers Seed Company, Nashville, Tennessee, entered a plea of nolo contendere and the Court imposed a fine of \$1,000.

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298. False labeling of okra seed. U. S. v. 2 bags of okra seed. Seed seized and ordered destroyed. (FS 668)

W. H. Robinson, Inc., Cairo, Georgia, on December 21, 1951, delivered for transportation in interstate commerce from Cairo, Georgia, to Crystal Springs, Mississippi, three bags (300 pounds) of okra seed.

A libel was filed in the District Court of the United States for the Southern District of Mississippi praying seizure of two remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 65 percent and 5 percent hard seed; whereas, the seed when tested in January 1952 was found to have a germination of 28 percent and no hard seed. The seed was seized by the United States marshal.

On April 3, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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299. Incomplete labeling of vegetable seeds. U. S. v. Lake Shore Seed Company, Inc., Dunkirk, New York. Plea of guilty. Fine, \$3,000. (FS 670)

Lake Shore Seed Company, Inc., Dunkirk, New York, between November 1950 and April 1951 transported and delivered for transportation from Dunkirk, New York, to East Freedom, Pennsylvania, and to Philadelphia, Pennsylvania, and thence to Milford, Delaware, two display boxes containing an assortment of vegetable seeds in packets.

Information was filed in the District Court of the United States for the Western District of New York alleging that Lake Shore Seed Company, Inc., Dunkirk, New York, did unlawfully transport and deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Seed of 14 kinds and varieties in one shipment and 26 kinds and varieties in the other shipment were found to germinate below the standards provided under the Federal Seed Act and the rules and regulations thereunder. The packets did

not show the percentage of germination, the month and year the germination test was completed, and the words "Below Standard" as required under section 201 (b) of the Federal Seed Act. The shipments included onion seed having germinations of 1 percent, 2 percent, 9 percent, and no germination; parsnip seed having no germination; lettuce seed having germinations as low as 9 percent and no germination; leek seed having a germination as low as 10 percent; and parsley seed having germinations as low as 6 percent.

On March 31, 1952, the Lake Shore Seed Company, Inc., Dunkirk, New York, entered a plea of guilty and the Court imposed a fine of \$1,500 on each of two counts, or a total fine of \$3,000.

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300. False labeling of barley seed. U. S. v. Cooperative Seed & Farm Supply Service, Inc., Baltimore, Maryland. Plea of guilty. Fine \$200 and \$55 costs. (FS 672)

Cooperative Seed & Farm Supply Service, Inc., Baltimore, Maryland, on October 13, 1950, delivered for transportation in interstate commerce from Baltimore, Maryland, to Smyrna, Delaware, 75 bags of barley seed.

Information was filed in the United States District Court for the District of Maryland, alleging that Cooperative Seed & Farm Supply Service, Inc., Baltimore, Maryland, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, 30 bags of the seed when tested in November 1950 was found to have a germination of 42 percent.

On May 16, 1952, the Cooperative Seed & Farm Supply Service, Inc., Baltimore, Maryland, entered a plea of guilty and the Court imposed a fine of \$200 and \$55 costs.

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301. False labeling of alfalfa seed and failure to keep complete records. U. S. v. Grover S. Higley, Grantsville, Utah. Plea of guilty. Defendant sentenced to probation for 6 months. (FS 673)

Grover S. Higley, Grantsville, Utah, on September 29, 1950, transported from Lancaster, California, to Salt Lake City, Utah, 7,253 pounds of alfalfa seed.

Information was filed in the District Court of the United States for the District of Utah alleging that Grover S. Higley, Grantsville, Utah, did unlawfully transport in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Utah origin and to be "U. C. Ranger Alfalfa"; whereas, the seed was not of Utah origin and was not Utah Certified Ranger alfalfa. In addition, Grover S. Higley failed to keep for a period of 3 years a complete record of the origin of said alfalfa seed

and on or about December 28, 1950, failed to make accessible for inspection by a duly authorized agent of the Secretary of Agriculture a complete record of said seed as required under the Federal Seed Act and the rules and regulations thereunder.

On May 2, 1952, Grover S. Higley, Grantsville, Utah, entered a plea of guilty and the Court placed the defendant on probation for 6 months.

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302. False labeling of cowpea seed. U. S. v. 5 bags of cowpea seed. Seed seized and released to a State institution to be used for feed. (FS 677)

W. H. Robinson, Inc., Cairo, Georgia, on February 11, 1952, delivered for transportation in interstate commerce from Cairo, Georgia, to Monroeville, Alabama, five bags of cowpea seed.

A libel was filed in the United States District Court for the Southern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 75 percent; whereas, the seed when tested in March 1952 was found to have a germination of 52 percent. The seed was seized by the United States marshal.

On June 16, 1952, no claimant having appeared, the Court ordered the seed delivered to a State institution to be used for feed.

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303. False labeling of ryegrass seed. Excessive noxious-weed seeds. U. S. v. Livingston Seed Company, Inc., Columbus, Ohio. Plea of guilty. Fine, \$1,000. (FS 678)

Livingston Seed Company, Inc., Columbus, Ohio, between July 18 and October 5, 1950, delivered for transportation in interstate commerce from Columbus, Ohio, to Martinsburg, and Sharon, Pennsylvania, and Clarksburg, Fairplain, and Charleston, West Virginia, a total of 12 bags of ryegrass seed.

Information was filed in the District Court of the United States for the Southern District of Ohio alleging that the Livingston Seed Company, Inc., Columbus, Ohio, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, quackgrass, at a rate of from 699 to 1,470 per pound, and the noxious-weed seed, Canada thistle, at a rate of from 45 to 99 per pound. Ryegrass seed containing any of these noxious-weed seeds is prohibited from sale in the States of West Virginia and Pennsylvania and therefore is prohibited from shipment into those States under the Federal Seed Act.

On June 3, 1952, the Livingston Seed Company, Inc., Columbus, Ohio, entered a plea of guilty and the Court imposed a fine of \$200 on each of five counts, or a total of \$1,000.

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304. False labeling of cottonseed. U. S. v. 18 bags of cottonseed. Seed seized and ordered destroyed. (FS 683)

Broome's Seed Company, Danielsville, Georgia, on March 27, 1952, transported in interstate commerce from Danielsville, Georgia, to Clayton, Alabama, 40 bags of cottonseed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 18 remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to be "Broome's Wilt Resistant" variety of cottonseed and the invoice accompanying the shipment represented the seed to be "Victory-Bred Ninety-Day Prolifics Wilt Resistant" variety of cottonseed. There are no varieties of cottonseed known or recognized by these names; therefore, the labeling as to variety was construed to be false and misleading. The seed was seized by the United States marshal.

On June 20, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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305. False labeling of cottonseed. U. S. v. 66 bags of cottonseed. Seed seized and ordered destroyed. (FS 684)

Broome's Seed Company, Danielsville, Georgia, on March 22 and March 24, 1952, transported in interstate commerce from Danielsville, Georgia, to Abbeville, Alabama, 180 bags of cottonseed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 66 remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to be "Broome's Wilt Resistant" variety of cottonseed and the invoice accompanying the shipment represented the seed to be "Victory-Bred Ninety-Day Prolifics Wilt Resistant" variety of cottonseed. There are no varieties of cottonseed known or recognized by these names; therefore, the labeling as to variety was construed to be false and misleading. The seed was seized by the United States marshal.

On June 20, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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306. False labeling of cottonseed. U. S. v. 21 bags of cottonseed. Seed seized and ordered destroyed. (FS 685)

Broome's Seed Company, Danielsville, Georgia, on March 6, 1952, transported in interstate commerce from Danielsville, Georgia, to Clayton, Alabama, 100 bags of cottonseed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 21 remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to be the "Broome's Wilt Resistant" variety of cottonseed and the invoice accompanying the shipment represented the seed to be "Victory Bred Ninety Day Prolifics Wilt Resistant" variety of cottonseed. There are no varieties of cottonseed known or recognized by these names; therefore, the labeling as to variety was construed to be false and misloading. The seed was seized by the United States marshal.

On June 20, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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307. False labeling of lespedeza seed. U. S. v. 8 bags of lespedeza. Seed seized and ordered destroyed. (FS 688)

L. A. Green Seed Company, Little Rock, Arkansas, on January 19, 1952, transported in interstate commerce from Little Rock, Arkansas, to Montgomery, Alabama, 300 bags of lespedeza.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of eight remaining bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 48 percent and 37 percent hard seed and a "Total Germ." of 85 percent; whereas, individual samples taken from eight bags of this seed showed an average germination of 30 percent with 5 percent hard seed remaining or a total germination and hard seed percentage of 35. The seed was seized by the United States marshal.

On June 19, 1952, no claimant having appeared, the Court ordered the seed destroyed.

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* The listing of names and addresses of shippers of seed seized under section 405 of the Federal Seed Act is considered to be information pertinent to the issuance of the judgment by the Court and does not mean that the shipper was found guilty of violating the Federal Seed Act. The action in seizure cases is against the seed.